

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 23-00251-01-CR-W-BCW

BRIAN MICHAEL AALBERS,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

This matter is before the Court on the Motion of the United States for a Preliminary Order of Forfeiture. In the Forfeiture Allegation of the Information in this case, the United States sought forfeiture of the following subject property, pursuant to Title 18, United States Code, Section 2253(a):

1. A silver Apple MacBook A1707, serial number C02TW0J8HTD9;
2. A silver Apple MacBook Pro A1398, C02KH8KJFFT1;
3. A black iPhone 15 Pro Max A2848;
4. A black iPhone 13 A2482 IMEI 358424170810956;
5. A silver Apple MacBook Pro A2338, serial number CW77DXRRK7;
6. A black 128GB microSD XC card CBT201112S128GB;
7. A black 128GB microSD XC card MMBAS0128GBBLK8A1B-2021-1102;
8. 2 black 128GB microSD XC cards;
9. Black 128GB microSD XC card with serial number CBT2011125128GB;
10. 2 Samsung 128GB EVO Plus microSD card;
11. A black 128GB microSD XC card MMC0R128G8A1B-TO-HXA AS2706 2212;

12. Black 128GB microSD XC card with serial number CBT210811S128GB;
13. A Transcend 16 GB microSD card; and,
14. A Silver HP XRAV-I EliteBook 840 G8 laptop with serial number 5CG2521S7Q - sticker "HCA PSG - PSG14620" with superhero sticker - contained: Adata 256GB M.2 L85354-D01 solid state drive with serial number 2M4429ABQGT1.

On October 15, 2024, the defendant Brian Michael Aalbers, entered into a plea agreement with the United States pursuant to which he agreed to plead guilty to Counts One through Fourteen of the Information, charging violations of Title 18, United States Code, Section 2251(a) and (e), and 2252(a)(4) and (b)(2), and to forfeit to the United States his interest in the property identified in the Forfeiture Allegation of the Information.

The Court has determined, based upon the evidence set forth in the plea agreement the United States has established the requisite nexus between the property described herein and in the Forfeiture Allegation of the Information and the offenses to which the defendant has pleaded guilty.

By virtue of the plea agreement, the United States is now entitled to a Preliminary Order of Forfeiture and to possession of the property pursuant to Title 18, United States Code, Section 2253.

Accordingly, it is hereby ORDERED:

1. Based upon the plea agreement and the Forfeiture Allegation in the Information, the following property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n) (third-party provisions):

1. A silver Apple MacBook A1707, serial number C02TW0J8HTD9;
2. A silver Apple MacBook Pro A1398, C02KH8KJFFT1;

3. A black iPhone 15 Pro Max A2848;
 4. A black iPhone 13 A2482 IMEI 358424170810956;
 5. A silver Apple MacBook Pro A2338, serial number CW77DXRRK7;
 6. A black 128GB microSD XC card CBT201112S128GB;
 7. A black 128GB microSD XC card MMBAS0128GBBLK8A1B-2021-1102;
 8. 2 black 128GB microSD XC cards;
 9. Black 128GB microSD XC card with serial number CBT2011125128GB;
 10. 2 Samsung 128GB EVO Plus microSD card;
 11. A black 128GB microSD XC card MMC0R128G8A1B-TO-HXA AS2706 2212;
 12. Black 128GB microSD XC card with serial number CBT210811S128GB;
 13. A Transcend 16 GB microSD card; and,
 14. A Silver HP XRAV-1 EliteBook 840 G8 laptop with serial number 5CG2521S7Q - sticker "HCA PSG - PSG14620" with superhero sticker - contained: Adata 256GB M.2 L85354-D01 solid state drive with serial number 2M4429ABQGT1.
2. Upon entry of this Order, the United States Attorney General or his designee is authorized to seize the above-described property in accordance with Fed. R. Crim. P. 32.2(b)(3).
3. Pursuant to Title 21, United States Code, Section 853(n), the United States shall publish for at least 30 consecutive days on the government's official website, www.forfeiture.gov, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, Brian Michael Aalbers, having or claiming a legal interest in the above-described property must file a petition with the Court and serve a copy on Leigh Farmakidis, Assistant United States Attorney, within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment.

6. The United States may conduct any discovery it considers necessary to identify, locate, or dispose of the property subject to forfeiture or substitute assets for such property.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture in which all interests will be addressed.

/s/ Brian C. Wimes
BRIAN C. WIMES
United States District Judge

Dated: November 4, 2024